

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

E-CONTACT TECHNOLOGIES LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

CIVIL ACTION NO. 1:12-CV-471

**JURY TRIAL DEMANDED**

**E-CONTACT’S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS  
MOTION TO COMPEL APPLE TO PRODUCE DAMAGES DISCOVERY**

E-Contact files this notice to bring to the Court’s attention an order in which this Court ruled against Apple on a motion virtually identical to E-Contact’s motion to compel damages discovery. *See* Ex. 1 [June 19, 2012 Order from *MicroUnity Systems Engineering, Inc. v. Apple Inc., et al.*, case No. 2:10-cv-091-LED-RSP]. E-Contact’s counsel stumbled across this order only this weekend when reviewing the docket sheets for other cases in this district for an unrelated reason. The order was not published, and was not available on the Lexis or Westlaw online databases. For these reasons, E-Contact was not aware of the order and did not cite it previously. Nor did Apple cite the order in its opposition papers.

In the order, the Court required Apple to produce all of its expert reports and expert depositions relating to damages for the accused products (which substantially overlap with the accused products in this case). The Court ordered Apple to produce the prior expert reports and expert depositions within seven days of the order. And the Court ordered Apple to pay the plaintiff’s expenses and attorneys’ fees for having to bring the motion to compel.

Dated: January 28, 2013

Respectfully submitted,

/s/ Zachariah S. Harrington.  
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**CERTIFICATE OF SERVICE**

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 28th day of January, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Zachariah S. Harrington  
Zachariah S. Harrington